

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3269

IN THE MATTER OF:

Served January 5, 1989

Application of JOSEPH C. SMITH	)	Case No. AP-88-49
Trading as SMITH'S CHARTER BUS	)	
SERVICE for Temporary Authority --	)	
Charter Operations	)	

By application filed November 4, 1988, and amended November 15, 1988, Joseph C. Smith, a sole proprietor trading as Smith's Charter Bus Service (applicant), seeks temporary authority to transport passengers in charter operations between the Washington Hospital Center's parking garage located at 104 Irving Street, N.W., on the one hand, and, on the other, the Main Hospital Building, 110 Irving Street, N.W.; the Physician's Building, 106 Irving Street, N.W.; and the East Building, 100 Irving Street, N.W., all points located in Washington, DC.

Order No. 3259, served December 2, 1988, generally described the evidence submitted with the application, and that order is incorporated herein by reference. Order No. 3259 served as publication of notice and directed that protests be filed in accordance with Commission Rule No. 14 no later than December 12, 1988. No protests to the application were received by the Commission within the time set therefor.

Title II, Article XII, Section 4(d)(3) of the Compact provides that the Commission may, in its discretion, grant an application for temporary authority, without hearing or other proceeding, if it finds that there is an immediate and urgent need for the service proposed by the application and that no other carrier service is capable of meeting that need. Fitness of the applicant is also required. See Application of Suburban Transit Company for Temporary Authority to Serve the Capital Center, Order No. 1643, served January 24, 1977; Application of American Coach Lines, Inc., for Declaratory Order or, in the Alternative, Temporary Authority to Conduct Charter Operations Between Points in the Metropolitan District, Order No. 2738, served July 22, 1985; See also Order Nos. 2440, 2448, 2864, and 3221, served July 8, 1983; August 10, 1983; May 23, 1986; and August 23, 1988, respectively.

Inasmuch as no duly authorized carrier protested this application thereby indicating its ability and willingness to provide the service proposed by applicant the Commission finds that no other carrier is capable of meeting the service need to which applicant's witness attested. It is further found, based on the evidence of record as described in Order No. 3259, that there is an immediate and urgent need for the service described in this application and that applicant is fit to provide that service.

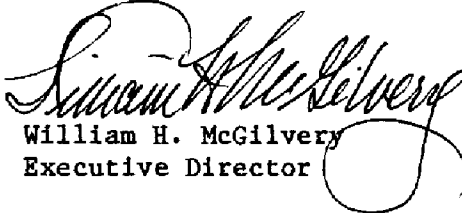
THEREFORE, IT IS ORDERED:

1. That Joseph C. Smith trading as Smith's Charter Bus Service is hereby conditionally granted 180 days temporary authority, contingent upon compliance with the terms of this order, to transport passengers in charter operations between the Washington Hospital Center's parking garage located at 104 Irving Street, N.W., on the one hand, and, on the other, the Main Hospital Building, 110 Irving Street, N.W.; the Physician's Building, 106 Irving Street, N.W.; and the East Building, 100 Irving Street, N.W., all points located in Washington, DC.

2. That Joseph C. Smith trading as Smith's Charter Bus Service is hereby directed, no later than 15 days from the service date of this order, (a) to file two copies of his WMATC Tariff No. 134-TA; (b) to identify the vehicles to be used in this service pursuant to Commission Regulation No. 67-03; and (c) to file an affidavit of compliance with Commission Regulation No. 67-03.

3. That the Executive Director shall notify, in writing, Joseph C. Smith trading as Smith's Charter Bus Service upon his timely compliance with the requirements of this order, that he may commence operations pursuant to temporary authority.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS, WORTHY, SCHIFTER, AND SHANNON:

  
William H. McGilvery  
Executive Director